GENERAL ORDINANCE NO. G- 28-82

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BE IT OPDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE. INDIANA:

AN ORDINANCE amending Chapter 14 of the Municipal Code of the City of Fort Wayne of 1974 by adding certain

Sections thereto.

SECTION 1. That Chapter 14 of the Municipal Code of the City of Fort Wayne of 1974 entitled "Health and Sanitation" be and the same is hereby amended by adding thereto the following Sections, to-wit:

## ARTICLE VI. PUBLIC AND PRIVATE SEWAGE DISPOSAL

Sec. 14-69. Definitions.

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this article, shall have the meanings respectively ascribed to them in this section:

- A. "Available" shall mean abutting the property, crossing the property, within any easement or public right-of-way abutting the property or within 300 feet of the property;
- Building" shall mean a structure having a roof supported by columns or walls built or used for the enclosure, shelter, protection or occupancy of persons, fixtures or personal property, and from which there is any effluent containing human waste, whether the building is used for residential or commercial use;
- "Public Sewer" shall mean any sanitary sewer constructed, installed, maintained or operated and owned by a municipality, sewage district or utility company approved and regulated by the Public Service Commission or any sanitary or taxing

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30 31 32 available shall be discontinued, emptied of its contents, cleaned out and be filled with earth or ashes, and the building sewer shall be disconnected from the existing private sewage system and be connected to the public sewer. All such connections to

Any and all private sewer systems of any kind now existing in or on premises where a public sewer is now or may hereafter become

- district established for that purpose; provided,
  a county legal drain, mutual drain or private drain
  installed for the purpose of carrying surface water
  runoff and subsoil drainage shall not be considered
  a public sewer under this definition;
- D. "Private sewage disposal system" shall mean a septic tank sewage disposal system or any other sewage disposal system including all equipment and devices necessary for proper conduction, collection, storage, treatment or disposal of sewage from a building, not constructed, installed, maintained or operated and owned as a public sewer;
- E. "Sewage" shall mean any one or a combination of human excreta and waste water from water closets, laundries, sinks, bathing facilities, floor drains and any other objectionable waste waters, liquid wastes or effluents from any source;
- F. "Shall" means mandatory; "may" means permissable;
- G. "Person" shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate or municipality, or its legal representative or agent, unless otherwise expressly provided.

Sec. 14-70.

Page Three

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3 the public sewer shall be made within ninety (90) days after the public sewer becomes available. Any person who owns, leases, occupies or controls such property shall be responsible for the

connection to the public sewer.

Sec. 14-71. Prior to the commencement of excavation or construction for any residential or commercial building where a private sewage disposal system or privy is proposed to be installed; or where any alteration, repair, addition or new installation serving any existing private sewage disposal system is proposed, the owner, lessee, occupant or any other person having an interest in the property shall first obtain a Construction Permit from the Fort Wayne-Allen County Health Officer. No person shall perform any work on such project unless a valid Construction Permit is first obtained and is properly posted in a conspicuous place at or near the building where the private sewage disposal system is to be

constructed. The permit shall be plainly visible from the public thoroughfare serving the building until the project is completed.

The application for such Permit shall be submitted to the Fort

Wayne-Allen County Health Officer on a form provided by said

Officer, supplemented by any plans, specifications and other

information, as deemed necessary by the Fort Wayne-Allen County

Health Officer.

The application form and Permit shall be prepared by the Fort

27 Wayne-Allen County Health Officer.

28 A permit and inspection fee of Ten and No/100 Dollars (\$10.00)

shall be paid to the City of Fort Wayne General Fund at the 29

30 time of filing the application.

31 A Construction Permit shall be valid for one (1) year from the

32 date of issuance, and may be renewed for six (6) months upon

Page Four 3 application; provided that when renewed, the permitee shall comply with any changes in the rules, standards or requirements which 4 may have come into effect subsequent to the original date of 6 issuance. Sec 14-72 Construction Permits shall not be granted unless all requirements 8 of Indiana State Board of Health Regulation HSE 25-R (Residential on-site waste Water Disposal) are met. A copy of Regulation HSE 25-R shall be on file in the Officers of the Fort Wayne-Allen County Board of Public Health. Sec. 14-73. 14 Upon issuance of a Construction Permit, the permitee may commence installation and construction of the private sewage disposal 1.5 system in compliance with the Permit issued therefor. The 16 17 Fort Wayne-Allen County Health Officer may inspect the work at any stage of construction. Upon substantial completion of the 18 installation, the permitee shall notify the Fort Wayne-Allen 19 County Health Officer that the work is ready for inspection and no portion of the installation shall be covered until the inspect-21

ion is made. No portion of the installation shall be used and,
when the system serves a new building, no person shall be permitted
to use the building or buildings until the inspection has been

completed and the system is found to be in compliance with the Permit. The inspection shall be made within two (2) working

days of the receipt of notice by the Fort Wayne-Allen County

Health Officer that the system is ready for inspection.

Sec. 14-74. Enforcement.

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The provisions of this Article shall be enforced by the Fort
Wayne-Allen County Board of Public Health and their authorized representatives.

 Page Five

Sec. 14-75. Penalty.

Any person who violates or fails to comply with any provision of this Article shall, upon conviction thereof, be fined not less than One Hundred and No/100 Dollars (\$100.00) and not more than One Thousand and No/100 Dollars (\$1,000.00). Each day's violation shall be a separate offense. Said fines shall be paid to the City of Fort Wayne General Fund.

SECTION 2. The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.

SECTION 3. All ordinances or parts of ordinances and sections of the Municipal Code of the City of Fort Wayne of 1974 in conflict herewith are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor and the legal publication thereof.

Councilmember

APPROVED AS TO FORM

AND LEGALITY

Bruce O. Boxberger, City Attorney

Read the fi seconded by by title and ref Plan Commission due legal notice Indiana, on	erred to the for recommender, at the Cour	full and on real and du committee dation) and incil Chambers, the 19, at	notion by ally adopted, subject the search of the search o	Bur read the se g to be he Building	econd time (and the City d after Fort Wayne, day of M.,E.S.T.
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REPORT OF THE COM	MITTER ON CITY UTILITIES
WE, YOUR COMMITTEE ON City Utilitie	
ORDINANCE amending Chapter 14 or	f the Municipal Code of the City
of Fort Wayne of 1974 by adding ce	ertain Sections thereto
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	-
HAVE HAD SAID ORDINANCE UNDER CONSID BACK TO THE COMMON COUNCIL THAT SAID PAUL M. BURNS - CHAIRMAN	0
MARK E. GiaQUINTA - VICE CHAIRMAN	Mark Chilath
JAMES S. STIER	Jud flow
JANET G. BRADBURY	Janet G. Bradburg
ROY J. SCHOMBURG	Kr JAn
÷	DATE 9-18-8 CONCURRED IN
	CHARLES W WESTERMAN,

BILL NO.\_\_ G-82-09-22



## The City of Fort Wayne

OFFICE OF THE CITY CLERK

Charles W. Westerman, Clerk — Room 122

October 4, 1982

Ms. Linda King Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, IN 46802

Dear Ms. King:

Please give the attached full coverage on the dates of October 7 and October 14, 1982, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, Indiana

Bill No. G-82-09-22 General Ordinance No. G-28-82

Please send us 5 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely, (Aprile, W. Westernen

Charles W. Westerman City Clerk

CWW/ne ENCL: 1

## LEGAL NOTICE

Notice is hereby given that on the 28th day of September, 1982, at the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-82-09-22 -- General Ordinance No. G-28-82 AN ORDINANCE amending Chapter 14 of the Municipal Code of the City of Fort Wayne of 1974 by adding certain Section thereto (PUBLIC AND PRIVATE SEWAGE DISPOSAL)

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-82-09-22 -- General Ordinance No. G-28-82, was passed by the Common Council on the 28th day of September, 1982, and said Ordinance was signed and approved by the Mayor on October 4th, 1982 and remains on file and on record in my office.

Copies of Bill No. G-82-09-22 -- General Ordinance No. G-28-82 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) The main floor of the City-County Building
- (2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. G-82-09-22 -- General Ordinance No. G-28-82 will be available forreading in the following places in Fort Wayne, Allen County, Indiana.

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westerman Charles W. Westerman, City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on October 7,1982

Charles W. Westerman, City Clerk

Form Prescribed by State Board of Accounts		Gene	ral Form No. 99 P (Rev. 1967)
Fort Wayne Common	Council	To JOURNAL-G	AZETTE Dr.
(Governmental Unit) Allen			
ALLOH	County, Ind.	FORT WAYNE	INDIANA
	PUBLISHER'S	CLAIM	
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No. G-28-82 AN ORDINANCE amending Chapter 14 of the Munici- pal Code of the City of Fort Weyne of	State of Indiana ALLEN County SS:		
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82, was passed by the Common Council on the 28th day of Septem- ber, 1982, and said Ordinance was	JOURNAL-GAZETT	Enewspaper of general c	
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General Ordinance No. G-28-82 will be posted for reeding in the following R			
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at the East door of the Allen County Court House Copies of Bill No. G-82-09-22 General Ordinance No. G-28-82 will be evellable for reeding in the following places in Fort Weyne, Allen County, Indiane		Unill-)	De Hald
be evelleble for reeding in the following places in Fort Weyne, Allen County, Indiene	Subscribed and sworn to before me to	his 14th daylor Octo	19 82
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Indiene Cheries W. Westerman,			

10/7-14

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undersigned D. ROOSE
that she is CLERK NEWS-SENTINEL 

ATTACH COPY OF

Westerman, City Clerk
Westerman, Cierk of ort Wayne, Indiana, posted the above e designeted places stober 7, 1982

November 29, 1985

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LEGAL NOTICE TO THE CONTROL OF THE C

Toctober 4th, 1982 and remains, the and on record in my office. Copies of Bill No. G-82-95-22 eneral Ordinance No. G-28-82 will posted for reading in the following aces in Fort Wayne, Allen County, laine.

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Ol Downtown Fort Wayne Public Library (3) The bulletin board in the looby at the Eest door of the Aflen Oounly Court House Copies of Bit No. C-82-08-22 — General Ordinence No. C-28-82 will be available for following blace

County, Indiana.

(1) Reference Room in the north
end of the main floor in said
the City
Downtown Public Librery
(2) The Journal of the
Common
the City Clerk of For Wayne,
Indiana.

Charlee W. Westerman.

10/7-14.

as follows: 10/7 - 10/14/82

Cheries W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted the above ordinance in the designated place as stated on October 7, 1982.

Charles W. Westerman City Clerk

City Clerk

Charles W. Westerman City Clerk

City

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Fort Wayne Common	Council	General Form No. 99 P (Rev. 1967)
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Allen	County, Ind. FORT WA	YNE, INDIANA
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AB 904	PUBLISHER'S AFFIDAVIT State of Indiana	
100d 💌	ALLEN County SS: Personally appeared before me, a notary public in and	for said county and state, the
the City of Fort Wayne, Indiana do hareby certify that Bill No. G-82-09- 22 — General Ordinence No. G-28-	undersigned ARVILLA DEWALD that she is. CLERK	
22 — Ganeral Ordinence No. G-28- 82, was passed by the Common	JOURNAL-GAZETTE	
bar, 1982, and said Ordinence was signed and approvad by the Meyor	a DAILY newspaper of ger	
on file and on record in my office.  Copies of Bill No. G-82-09-22 —  General Ordinance No. G-82-93-23	in the English language in the city town of FORT WAYNE, IN	DIANA
ba postad for reading in the following pleces in Fort Wayne, Allen County, Indiena.  (1) The mein floor of the	in state and county aforesaid, and that the printed matter which was duly published in said paper for	attached hereto is a true copy,
City-County Building (2) The bulletin board in the lobby of Downtown Fort Weyne Public	25 follows: 10/7 - 10/14/82	- 130 x
(3) The bulletin board in the lobby	0 .	0 3/- 1/-
Court House Copies of Bill No. G-82-09-22 Copies of Bill No. G-82-99-22 General Ordinance No. G-28-82 will be available for reeding in the following places in Fort Weyne Allen	Would-	) De Kald
	Subscribed and sworn to before me this 11+th day of 0	M. Ser Bias
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Indiena Cherles W. Westermen,	,	
I, Cherlas W. Westermen, Clerk of the City of Fort Wayne, Indiana, furfilliad and posted the abova ordinance in the designated places as stated on October 7, 1982.		
Cheries W. Westerman, City Clerk	10.144 E	

10/7-14

	rt Wayne Common	Council			ral Form No. 99 P(Rev. 1967
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For	t Wayne Common	n Council	To NEWS-SEI	NTINEL Dr.
	(Governmental Unit)		-	
All	en	County, Ind	FORT WAYN	E, INDIANA
		PUBLISHER	'S CLAIM	
LINE COU	NT			
	Display Matter (Must not	exceed two actual lines, neither of which	shall total more than four solid lines	
		ch the body of the advertisement is set) -	number of equivalent lines	1
	Head number of lines			54
	Body number of lines			
	Tail number of lines			2
	Total number o	f lines in notice		57
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COMPUTI	ON OF CHARGES			
	57 lines,	1 columns wide equals57	equivalent lines at	<u>\$ 17.10</u>
	Additional charge for notice	es containing rule or rabular work (50 pe	r cent of above amount)	
	Charge for extra proofs of	publication (50 cents for each proof in ex-	cess of two) 3 pytra	1.50
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	Form 903	PUBLISHER'S AF State of Indiana ALLEN County SS:	FIDAVIT	
		Personally appeared before a	me, a notary public in and for	said county and state, the
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AGE DISPOSA Cherles W. Wes City of Fort Wa	termen, Clerk of type, Indiana do	as follows: 10/7 - 10,	/14/82	X 4.1
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1982, end said	Ordinance was Clerk Mayor		14 th down Oct	ober 82
Westerman, Clort Wayne, Inc.	fiane, sbove	Subscribed and sworn to before r	Home Th.	Berkins
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e designated p stober 7, 1982, aries W. Weste	rmen, Clerk	My commission expites	vember 29, 1985	

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